Duke Energy® Gas Transmission
Algonquin Gas Transmission Company

Islander East Pipeline Company

ISLANDER EAST PIPELINE PROJECT

Permit Application for: 401 Water Quality Certificate

Administered by the Office of Long Island Sound Programs of the Connecticut Department of Environmental Protection

PREPARED BY

NATURAL RESOURCE GROUP, INC.

March 14, 2003

Islander East Pipeline Project
401 Water Quality Permit Application
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PERMIT APPLICATION TRANSMITTAL FORM AND ATTACHMENT

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Central Permit Processing Unit
79 Elm Street
Hartford, CT 06106-5127

DEP USE ONLY

Permit Application Transmittal Form

Please complete this transmittal form in accordance with the instructions in order to ensure the proper handling of your application(s) and the associated fee(s). Print legibly or type.

Part I: Applicant Information

Applicant: **Islander East Pipeline Company, L.L.C.**
Company Name or, if applicant is an individual, write name in the following format:
Title (Mr, Ms, Dr) First Name Middle Initial Last Name Suffix (Jr, PE, PhD)

Mailing Address: **454 East Main Street, Route 1**

City/Town: **Branford** State: CT Zip Code: 06405-

Business Phone: 203-488-1800 ext.: Fax: 203-488-1490

Contact Person: **Gene Muhlherr** Phone: 203-488-1800 ext.

Applicant (check one): ☐ individual ☒ company ☐ federal gov't ☐ state agency ☐ municipality

If a Company, list company type (e.g., corporation, limited partnership, etc.): **A Delaware limited liability company**

☒ Check if any co-applicants. If so, attach additional sheet(s) with the required information as supplied above.

Please provide the following information to be used for *billing purposes only*, if different:

Company/Individual Name: **Duke Energy Islander East Pipeline Company, LLC**

Mailing Address: **454 East Main Street, Route 1**

City/Town: **Branford** State: CT Zip Code: 06405-

Contact Person: **Gene Muhlherr** Phone: 203-488-1800 ext.

Part II: Project Information

Brief Description of Project: *(Example: Development of a 50 slip marina on Long Island Sound)* **Natural Gas Pipeline Installation from North Haven to Branford, and across Long Island Sound. Compressor station construction in Cheshire, and pipeline retest in Cheshire, Wallingford, and North Haven.**

Location (City/Town): **Cheshire to Branford. See attached.**

Other Project Related Permits (*not* included with this form):

Permit Description	Issuing Authority	Submittal Date	Issuance Date	Denial Date	Permit #
See attached information		/ /	/ /	/ /	
		/ /	/ /	/ /	

Part III: Individual Permit Application and Fee Information

New, Mod. Renew	Individual Permit Applications	Initial Fees	No. of Permits Applied For	Total Initial Fees	Original + Required Copies
	AIR EMISSIONS				
	New Source Review	$500.00			1 + 0
	Title V Operating Permits	none			1 + 0
	WATER DISCHARGES				
	To Groundwater	$700.00			1 + 1
	To Surface Water (NPDES)	$700.00			1 + 2
	To Sanitary Sewer (POTW)	$700.00			1 + 1
	INLAND WATER RESOURCES				
	Inland Wetlands and Watercourses	none			1 + 5
	Stream Channel Encroachment Lines	★			
N	Inland 401 Water Quality Certification	none	1	0	
	Water Diversion	★			1 + 5
	Dam Construction	none			1 + 2
	Flood Management Certification	none			1 + 1
	OFFICE OF LONG ISLAND SOUND PROGRAMS				
	Structures and Dredging/Tidal Wetlands	$350.00			1 + 3
N	Coastal 401 Water Quality Certification	none	1	0	1 + 3
	Certificate of Permission	$200.00			1 + 2
	WASTE MANAGEMENT				
	Waste Transportation	★			1 + 0
	Solid Waste Facilities	★			1 + 2
	RCRA Closure Plan	$2500.00			1 + 0
	RCRA Post Closure	$2500.00			1 + 0
	CGS Section 22a-454 Waste Facilities	★			1 + 1
	Hazardous Waste Treatment, Storage and Disposal Facilities	★			1 + 1
	Aquatic Pesticide Application	$ 25.00			1 + 0
	Aerial Pesticide Application	★			1 + 2
	Marine Terminal License	$125.00			1 + 0
		Subtotal ➡			
	GENERAL PERMITS and AUTHORIZATIONS Enter subtotals from Part IV, pages 3 & 4 of this form	Subtotals Page 3 ➡ Subtotals Page 4 ➡			
		TOTAL ➡	2	0.00	
	☐ Indicate whether municipal discount or state waiver applies.	Less Applicable Discount ➡		0.00	
		AMOUNT REMITTED ➡		0.00	
	Check # ➡		Check or money order should be made payable to: "Department of Environmental Protection"		

★ See fee schedule on individual application.

Part IV: General Permit Registrations and Requests for Other Authorizations Application and Fee Information

✓	General Permits and Other Authorizations	Initial Fees	No. of Permits Applied For	Total Initial Fees	Original + Required Copies
	AIR EMISSIONS				
☐	Construct and/or Operate a New or Existing Emergency Engine	$250.00			1 + 0
☐	Construct and/or Operate a New or Existing Phase I Distributed Generation Engine	$250.00			1 + 0
☐	Construct and/or Operate a New or Existing Surface Coating Operation	$250.00			1 + 0
☐	Limit Potential to Emit from Major Stationary Sources of Air Pollution	$250.00			1 + 0
☐	Emergency Authorization	★★			★★
☐	Temporary Authorization	★★			★★
☐	Other, (please specify):				
	WATER DISCHARGES				
☐	Domestic Sewage	$250.00			1 + 0
☐	Food Processing Wastewater	$250.00			1 + 0
☐	Groundwater Remediation Wastewater to a Sanitary Sewer	$250.00			1 + 0
☐	Hydrostatic Pressure Testing (Natural Gas Pipelines)	$500.00			1 + 1
☐	Hydrostatic Pressure Testing	$250.00			1 + 0
☐	Minor Non-Contact Cooling and Heat Pump Water	$250.00			1 + 1
☐	Minor Photographic Processing	$ 50.00			1 + 0
☐	Minor Printing & Publishing Wastewater	$250.00			1 + 0
☐	Minor Tumbling or Cleaning of Parts Wastewater	$500.00			1 + 1
☐	Miscellaneous Discharges of Sewer Compatible Wastewater Flow < 5,000 gpd and fire sprinkler system testwater Flow > 5,000 gpd	 $250.00 $500.00			1 + 1
☐	Stormwater Associated with Commercial Activities	$250.00			1 + 0
☐	Stormwater Associated with Industrial Activities	$250.00			1 + 0
☐ ☐	Stormwater & Dewatering Wastewaters-Construction Activities 5 – 10 acres > 10 acres	 $250.00 $500.00			1 + 0
☐	Swimming Pool Wastewater - Public Pools and Contractors	$250.00			1 + 0
☐ ☐	Vehicle Maintenance Wastewater Registration Only Approval of Registration by DEP	 $250.00 $500.00			1 + 0
☐	Water Treatment Wastewater	$250.00			1 + 0
☐	Emergency Authorization - Discharge to POTW	$250.00			1 + 0
☐	Emergency Authorization - Discharge to Surface Water	$500.00			1 + 0
☐	Temporary Authorization - Discharge to POTW	$250.00			1 + 0
☐	Temporary Authorization - Discharge to Surface Water	$500.00			1 + 0
☐	Other, (please specify):				
	Note: Carry subtotals over to Part III, page 2 of this form.	Subtotal ➡	2	0.00	

★★ Contact the specific permit program for this information (Contact numbers are provided in the instructions).

Part IV: General Permit Registrations and Requests for Other Authorizations Application and Fee Information (continued)

	General Permits and Other Authorizations	Initial Fees	No. of Permits Applied For	Total Initial Fee	Original + Required Copies
	INLAND WATER RESOURCES				
☐	Dam Safety Repair and Alteration	★			1 + 2
☐	Diversion of Water for Consumptive Use	★			1 + 2
☐	Habitat Conservation	★			1 + 2
☐	Lake, Pond and Basin Dredging	★			1 + 2
☐	Minor Grading	★			1 + 2
☐	Minor Structures	★			1 + 2
☐	Utilities and Drainage	★			1 + 2
☐	Emergency Authorization	★★			★★
☐	Temporary Authorization	★★			★★
☐	Other, (please specify):				
	OFFICE OF LONG ISLAND SOUND PROGRAMS				
☐	4/40 Docks	$350.00			1 + 0
☐	Non-harbor Moorings	$ 50.00			1 + 0
☐	Osprey Platforms and Perch Poles	none			1 + 0
☐	Residential Flood Hazard Mitigation	$ 50.00			1 + 0
☐	Swim Floats	$ 50.00			1 + 0
☐	Pump-out Facilities (no fee for Clean Vessel Act grant recipients)	$ 50.00			1 + 0
	Remedial Activities Required by Order	$350.00			1 + 0
☐	Emergency Authorization	★★			★★
☐	Temporary Authorization	★★			★★
☐	Other, (please specify):				
	WASTE MANAGEMENT				
☐	Construct and Operate Paint and Stain Drop Facilities	$100.00			1 + 0
☐	Construct and Operate Paint and Stain Bulking Facilities	$250.00			1 + 0
☐	Asbestos Disposal Authorization	$160.00			1 + 0
☐	Drop-site Recycling Facility	$100.00			1 + 0
☐	Limited Processing Recycling Facility	$250.00			1 + 0
☐	Recyclables Transfer Facility	$250.00			1 + 0
☐	Single Item Recycling Facility	$250.00			1 + 0
☐	Special Waste Authorization	$350.00			1 + 0
☐	Leaf Composting Facility	none			1 + 1
☐	Addition of Grass Clippings at Registered Leaf Composting Facilities	$250.00			1 + 0
☐	Emergency Authorization	★★			★★
☐	Temporary Authorization	★★			★★
☐	Other, (please specify):				
	Note: Carry subtotals over to Part III, page 2 of this form.	Subtotal ➡	2	0.00	

★ See fee schedule on application.

★★ Contact the specific permit program for this information (Contact numbers are provided in the instructions).

PERMIT APPLICATION TRANSMITTAL FORM ATTACHMENT
Islander East Pipeline Company, L.L.C.

Part I:

Applicant: Algonquin Gas Transmission Company / Islander East Pipeline Company, L.L.C.
Mailing Address: 5400 Westheimer Court
Houston, TX 77056
Business Phone: 203-488-1800 **Fax:** 203-488-1490
Contact Person: Gene Muhlherr **Phone:** 203-488-1800
If a Company, list company type: A Delaware Corporation

For *Billing Purposes* only:
Company/Individual Name: Duke Energy Islander East Pipeline Company, L.L.C.
Mailing Address: 454 East Main Street, Route 1
Branford, CT 06405
Contact Person: Gene Muhlherr **Phone:** 203-488-1800

Part II:

Location (City/Town): Cheshire, Wallingford, North Haven, East Haven, North Branford, and Branford.

Other Project Related Permits (*not* included with this form):

Permit Description	Issuing Authority	Submittal Date	Issuance Date	Denial Date	Permit #
Section 10 of the Rivers and Harbors Act	US Army Corps of Engineers (New England District)	03/25/02			200103091
Section 404 of the Clean Water Act	US Army Corps of Engineers (New England District)	03/25/02			200103091
Certificate of Public Convenience and Necessity under Section 7 of the Natural Gas Act	Federal Energy Regulatory Commission	06/15/01	09/19/02		CP01-384-000
Permit to Construct and Operate an Air Emission Source	CTDEP	12/21/01			200103801
Permit for Stormwater and Dewatering Discharges	CTDEP	05/07/02	05/13/02		200202188
Permit for Structures, Dredging and Fill / Tidal Wetlands	CTDEP	02/13/02			200200761
Permit for Water Diversion	CTDEP	05/07/02			200202176
Certificate of Environmental Compatibility and Public Need	CT Siting Council	12/07/01	08/01/02		Docket 221

PERMIT APPLICATION FOR PROGRAMS ADMINISTERED BY THE OFFICE OF LONG ISLAND SOUND PROGRAMS

Permit Application for Programs Administered by the Office of Long Island Sound Programs

Please complete this application form in accordance with the instructions (DEP-OLIS-INST-100) in order to ensure the proper handling of your application. Print or type unless otherwise noted.

DEP USE ONLY

Application No.: _____

Analyst Assigned: _____

Part I: Permit Type and Fee Information

Type of Permit: Check one of first two boxes identifying the applicable state permit program(s). Also check the 401 Water Quality Certificate box if applicable.	**Initial Fee:** (submit with application)
☐ **Structures, Dredging & Fill** *CGS Sec. 22a-361*	$350.00
☐ **Structures, Dredging & Fill, and Tidal Wetlands CGS** *Sec. 22a-361 & Sec. 22a-32*	$350.00
☒ **401 Water Quality Certificate** *33 U.S.C. 1341*	None

Note: The fee for municipalities is 50% of the above listed rates.
Additional fees based on the water area occupied by the project will be invoiced.

Part II: Applicant Information

1. Fill in the name, address and phone number of the applicant(s) as indicated on the *Permit Application Transmittal Form* (DEP-APP-001).

   Applicant: **Islander East Pipeline Company, LLC**
   Title (Mr., Mrs., Ms., Dr., etc.) Last Name First Name Middle Initial Suffix (Jr., P.E., Ph.D.)

   Mailing Address: **454 East Main Street, Route 1**

   City/Town: **Branford** State: **CT** Zip Code: **06405-**

   Business Phone: **203-488-1800** ext. Fax: **203-488-1490**

   E-Mail Address:

   Contact Person: **Gene Muhlherr** Title: **Project Manager**

2. Applicant's interest in the property at which the proposed activity is to be located:

   ☐ owner ☐ option holder ☐ lessee ☒ other (specify): **Easement holder**

   ☒ Please enter a check mark if additional sheets are required for any co-applicants. If so, please reproduce this sheet, label, and attach additional sheet(s) with the required information to this sheet.

Part II: Applicant Information (continued)

3. List primary contact for departmental correspondence and inquiries if different than applicant.

   Name: **Islander East Pipeline Company, L.L.C.**

   Mailing Address: **454 East Main Street, Route 1**

   City/Town: **Branford** State: **CT** Zip Code: **06405-**

   Business Phone: **203-488-1800** ext. Fax: **203-488-1490**

   E-Mail Address:

   Contact Person: **Joseph C Reinemann** Title: **Env. Project Manager**

4. List attorney or other representative, if applicable.

   Firm Name: **Carmody & Torrence**

   Mailing Address: **195 Church Street**

   City/Town: **New Haven** State: **CT** Zip Code: **06509-**

   Business Phone: **203-777-5501** ext. Fax: **203-784-3199**

   E-Mail Address:

   Attorney: **Anthony Fitzgerald** Title:

5. List Property, Facility or Site Owner, if different than applicant:

   See Attachment E

   Mailing Address:

   City/Town: State: Zip Code: -

   Business Phone: - - ext. Fax: - -

   E-Mail Address:

   Contact Person: Title:

   ☐ Property owner ☐ Facility Owner ☐ Site Owner

6. List any engineer(s) or other consultant(s) employed or retained to assist in preparing the application or designing or constructing the activity.

   Name: **Natural Resource Group, Inc.**

   Mailing Address: **80 S 8th Street, Suite 1000**

   City/Town: **Minneapolis** State: **MN** Zip Code: **55402-**

   Business Phone: **612-359-5686** ext. Fax: **612-347-6780**

   E-Mail Address: **bmjensen@nrginc.com**

   Contact Person: **Bart Jensen** Title: **Environmental Scientist**

   Service Provided: **Environmental Consultant**

7. If you met with Office of Long Island Sound Program (OLISP) staff in a pre-application meeting, please note the meeting date and OLISP staff person's name:

   Name: **See table 1** Date: / /

☒ Please enter a check mark if additional sheets are required. If so, please reproduce this sheet, label, and attach additional sheet(s) with the required information to this sheet.

Part III: Site Information and Resource Information

1. Name of facility, if applicable: **Islander East Pipeline Project**

   Street Address or Description of Location: **See tables 2 & 3**

   City/Town: State: Zip Code: -

2. Tax Assessor's Reference: Map **See Attachment E** Block Lot

3. Is the project site located in a municipality within the coastal area (check town list in the instructions)? ☒ Yes ☐ No

4. Is the project site located within an area identified as a habitat for endangered, threatened or special concern species as identified on the "State and Federal Listed Species and Natural Communities Map"?
   ☒ Yes ☐ No Date of Map: / /**2000**

   If yes, complete and submit a *Connecticut Natural Diversity Data Base* (CT NDDB) *Review Request Form* (DEP-APP-007) to the address specified on the form.

   When submitting this permit application, please include copies of any correspondence to the NDDB, including copies of the completed CT NDDB Review Request Form, any field surveys, and any other information which may lead you to believe that endangered or threatened species may or may not be located in the area of your existing or proposed permitted activity, as Attachment F.

   Has a field survey been conducted to determine the presence of any endangered, threatened or special concern species? ☒ Yes ☐ No If yes, provide:

   Biologist's Name: **Scott Heim, Jeff Park**

   Address: **TRC Environmental Corp., Lowell, Massachusetts**

   and submit a copy of the field survey with your application as Attachment F.

5. Indicate the number and date of issuance of any previous state coastal permits or certificates issued by DEP authorizing work at the site and the names to whom they were issued. Please include copies of all issued permits and certificates, if available, as Attachment G.

Permit/COP Number	*Date Issued*	*Name of Permittee/Certificate Holder*
	/ /	**See Attachment G of the**
	/ /	**coastal permit application**
	/ /	**dated July 11, 2002**
	/ /	

6. Identify any changes in conditions of the site (including ownership, development, use, or natural resources) since the issuance of the most recent state permit or certificate authorizing work at the site:

   None identified

Part III: Site and Resource Information (continued)

7. a. Identify and describe the existing municipal zoning classification of the site.

See table 4

b. Identify and describe the existing land use(s) on and adjacent to the site:

The project will traverse 20.9 miles in Connecticut, 10.7 miles beneath Long Island Sound and 10.2 miles onshore. The onshore section will cross the following land use types: forested (3.0 miles), residential/commercial (2.7 miles), agricultural (1.4 miles), and open lands (3.1 miles). The right-of-way will be adjacent to the Algonquin C-5 pipeline or the Branford Steam Railroad for 8.9 miles, or 87 percent of the onshore route.

8. Provide the name of the waterbody at the site of proposed work:

See tables 5 & 6 and Attachment C.

9. Provide the elevations of the high tide line, mean high water and mean low water at the site based on a datum of either NGVD of 1929 or MLW:

HTL = **5.3** MHW = **3.5** MLW = **-2.0** Datum = **NGVD**

10. Identify all aquatic resources on and adjacent to the site and describe the characteristics of each resource:

See Attachments F of the coastal and inland permit applications, dated July 11, 2002 and July 12, 2002 respectively, and Attachment F of this application.

11. Identify the locations of any osprey nesting platforms within 500 feet of the project site.

None, according to Mr. Dave Kozak, CTDEP-OLISP.

Part IV: Project Information

1. Describe the proposed regulated work and activities in a detailed narrative. Refer to both the instructions and Appendix A of the instructions (Activity Specific Instructions).

   As described under Part III.8, the Islander East Pipeline Project will temporarily affect 52 wetlands and 16 waterbodies, and traverse Long Island Sound. No wetlands will be drained or permanently filled as a result of the Islander East Pipeline Project.

   A description of waterbody and wetland construction techniques are included in sections 5 and 6 of the Erosion and Sedimentation Control Plan ("ESC Plan"), respectively. The ESC Plan is included as Appendix B of the coastal and inland permit applications, dated July 11, 2002 and July 12, 2002 respectively. Detailed wetland and waterbody crossing plans, which identify the locations of wetlands and waterbodies, limits of construction work area, and typical erosion and sedimentation control measures, were filed with the CTDEP on July 31, 2002.

   Descriptions of the construction techniques to be used within Long Island Sound and for the Connecticut landfall are outlined in the Executive Summary and discussed in detail in the Marine Installation Plan, which is included as Appendix A.

2. Provide plans of the project as Attachment C. They must be 8 1/2" x 11" scaled plans of the site and proposed work including:

   a. A Vicinity Map;

   b. Tax Assessor's Map;

   c. Plan Views showing existing and proposed conditions; and

   d. An Elevation or Cross-Section View showing existing and proposed conditions

   See also Attachment C in the coastal and inland permit applications, dated July 11, 2002 and July 12, 2002 respectively.

   Please refer to instructions for identification of plan components.

   Note: It is *STRONGLY RECOMMENDED* that a site survey accompany your application.

3. Describe the purpose of, the need for, and intended use of the proposed activities.

   See response 3

Part IV: Project Information (continued)

4. a. Describe the proposed construction methodology, types of construction equipment to be used during construction, the number of each type of equipment and where it is to be stored.

The sequence of onshore construction techniques is illustrated on figure 2 and discussed in sections 3-6 of the ESC Plan, which is included as Appendix B of the coastal and inland permit applications, dated 07/11/02 and 07/12/02 respectively. Offshore construction techniques are shown on figures 3-6 and discussed in detail in the Marine Installation Plan (Appendix A).

b. What is the projected period of time required to complete the proposed work?

Offshore construction of the proposed project is scheduled to begin October 2003 and be completed by April 2004. The onshore portion is scheduled to commence in late spring 2004, and will be completed by October 2004.

5. Identify and evaluate the potential adverse environmental impacts that may result from the proposed work on the following:

a. finfish:

See response 5a

b. benthic habitat:

See response 5b

c. shellfish:

See response 5c

d. aquatic resources:

See response 5d

e. wildlife resources and habitat:

See response 5e

Part IV: Project Information (continued)

f. water quality circulation and drainage:

See response 5f

g. erosion and sedimentation and flooding patterns:

See response 5g

h. other:

6. Identify and evaluate any potential beneficial and adverse impacts to navigation, public access to and public use of public trust lands and waters, and waters of the state.

Public access and navigation will be limited only in the immediate vicinity of the active construction area. Islander East developed construction techniques (i.e., use of HDD under the Tilcon navigational channel) and scheduled its offshore construction to occur during the winter months to avoid impacting naviagation and public uses of Long Island Sound, which tends to be busier in the summer months.

7. Describe the extent to which the proposed project complies or conflicts with the applicable statutory and regulatory policies, standards, criteria and factors for consideration.

See response 7

8. Describe how the proposed work will be a water-dependent use(s) of the property or will physically support water-dependent use(s) of the property.

The Islander East Pipeline project is a water-dependent use because it involves the waterborne transportion of natural gas to Long Island. Following construction, the Islander East Pipeline project will not preclude water-dependent uses such as navgation, shipping, shellfishing and boating because it will be buried at a sufficient depth below the seabed.

Part IV: Project Information (continued)

9. Identify and evaluate the potential adverse impacts of the proposed work upon future water-dependent development opportunities and activities.

   Future water dependent activities would not be affected by the project as the pipeline will be installed well below the seafloor at the landfall location. In addition, water-dependent uses (e.g. commercial and recreational fishing) would be allowed to occur over the pipeline once it is installed.

10. Discuss the alternatives to the proposed project which were considered and indicate why they were rejected.

    See response 10

11. After all measures to eliminate or minimize adverse impacts have been incorporated in the proposed project, describe why any adverse impacts that remain should be deemed acceptable by OLISP.

    Adverse impacts associated with the Islander East Pipeline Project will be temporary in nature and localized. Because Islander East has adopted numerous mitigation measures, no long-term impacts on: finfish; benthic habitat; shellfish; aquatic resources; wildlife resources and habitat; water quality, circulation, and drainage; erosion and sedimentation and flooding patterns; navigation; and water-dependent uses are anticipated.

Part IV: Project Information (continued)

12. a. Is any portion of the work for which authorization is being sought now complete or under construction?
☐ Yes ☒ No

Specify what parts of the proposed work have been completed or are under construction and indicate when such work was undertaken or completed. Identify completed portions on the plans submitted.

b. If yes, is this application associated with an enforcement action pending with DEP?
☐ Yes ☒ No If yes, explain:

☐ Please enter a check mark if documents have been provided. If so, please label, and attach the documents to this sheet.

Part V: Supporting Documents

The supporting documents listed below must be submitted with the application and labeled as indicated. The specific information required in each attachment is described in the *Instructions for Completing a Permit Application for Programs Administered by the Office of Long Island Sound Programs* (DEP-OLIS-INST-100). Please enter a check mark by the attachments listed to indicate that they have been submitted.

☒	Attachment A:	Executive Summary; summarize the information contained in the complete application which must include a description of the proposed regulated activities and a synopsis of the environmental and engineering analyses of the impact of such activities. Include a list of the titles of all plans, drawings, reports, studies, appendices, or other documentation which are attached as part of the application.
☒	Attachment B:	*Applicant Compliance Information Form* (DEP-APP-002)
☒	Attachment C:	Plans in accordance with Part IV, Item 2 of the instructions
☐	Attachment D:	Photographs showing existing conditions of the site
☒	Attachment E:	Abutting or adjacent property owner information; including names and mailing addresses
☒	Attachment F:	Copy of any field survey conducted to identify any presence of endangered, threatened or special concern species (if applicable)
☐	Attachment G:	Copies of previous state coastal permits or certificates issued by DEP (if applicable)
☐	Attachment H:	*Applicant Background Information Form* (DEP-APP-008) (if applicable)

Part VI: Application Certification

The applicant(s) *and* the individual(s) responsible for actually preparing the application must sign this part. An application will be considered insufficient unless *all* required signatures are provided.

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief.

I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157 of the General Statutes, and in accordance with any other applicable statute.

I certify that I will comply with all notice requirements as listed in Section 22a-6g of the General Statutes.

I also certify that this application is on complete and accurate forms as prescribed by the commissioner without alteration of the text."

Signature of Applicant — Date

William T. Yardley
Name of Applicant (print or type)

Vice President, Duke Energy
Title (if applicable) Islander East Pipeline Company, LLC, Operator for Islander East.

LATE
Joseph C. Rasmussen
Signature of Preparer

3/14/03
Date

Name of Preparer (print or type)

Environmental Project Manager
Islander East Pipeline Company, LLC
Title (if applicable)

☐ Please enter a check mark if additional signatures are required. If so, please reproduce this sheet, and attach signed copies to this sheet.

SUPPLEMENTAL INFORMATION FOR THE PERMIT APPLICATION

Part II – Applicant Information

7. Pre-Application Meetings with OLISP Staff

TABLE 1

Islander East Pipeline Project
Connecticut Department of Environmental Protection ("CTDEP")
Summary of Meetings

Date	CTDEP Representative	Subject
April 3, 2001	Jane Stahl	Initial introduction of the project to the CTDEP, advised on the status of the project, and provided early information on how Islander East would be addressing issues such as oyster beds.
August 2, 2001	Peter Aarrestad, Robin Bray, Sue Jacobson, Mark Johnson	Meeting to introduce the CTDEP with Islander East, and discuss construction methods and permits required.
February 7, 2002	Charlie Evans, Betsy Wingfield	Pre-application meeting and provided project schedule.
March 19, 2002	Bob Gilmore	Inland Waters, water diversion permit, hydrostatic test discharge.
May 29, 2002	Steve Derby, Peter Francis, John Gaucher, Bob Gilmore, Sue Jacobson, Mark Johnson, Betsy Wingfield	Project status, process, inland wetlands, vernal pools, marine installation.
August 23, 2002	Sue Jacobson	Site visit to Stony Creek, BLT Goss property, and Tilcon HDD entry point.
August 29, 2002	Kristen Cavanaugh, John Gaucher, Susan Gradante, Micheal Gryzywinski, Doug Hoskins, Sue Jacobson, Mark Johnson, John Natale, Frederick Riese	Islander East's presentation on pipeline construction, horizontal directional drilling ("HDD"), and water crossing construction techniques.
January 7, 2003	Charlie Evans, Peter Francis Sue Jacobson, Betsy Wingfield	Modified offshore construction techniques, interagency meeting decided.
February 4, 2003	Charlie Evans, Sue Jacobson, Mark Johnson, George Wisker	Multi-agency: Modified offshore construction techniques reviewed.
March 4, 2003	Donald Bell, James Citak, Peter Francis, Sue Jacobson, Mark Johnson, Malcom Shute, John Volk, George Wisker	Follow-up multi-agency: Modified offshore construction techniques reviewed.

Part III – Site Information and Resource Information

1. Description of Location

TABLE 2

Islander East Pipeline Project
Pipeline Facilities

Facility Name	Description	Diameter (in.)	Milepost	Length (mi.)	Town
ALGONQUIN					
Algonquin Pipelines Retest	Upgrade C-1 and C-1 L Lines	10 and 16	0.0 - 6.0	6.0	Cheshire
			6.0 - 9.7	3.7	Wallingford
			9.7 - 13.7	4.0	North Haven
Anomaly Investigations	Inspect C-1 Line	10	0.7	<0.1	Cheshire
			3.7	<0.1	Cheshire
			3.8	<0.1	Cheshire
			3.8	<0.1	Cheshire
			7.5	<0.1	Wallingford
ISLANDER EAST					
Islander East Pipeline	Construct New Mainline	24	0.0 - 2.2	2.2	North Haven
			2.2 - 3.1	0.9	East Haven
			3.1 - 7.0	3.9	North Branford
			7.0 - 10.2	3.2	Branford
			10.2 – 20.9	11.0	N/A [1]

[1] Approximately 11.0 miles is located offshore in Long Island Sound.

TABLE 3

Islander East Pipeline Project
Aboveground Facilities

Facility Name	Description	Milepost	Town
ALGONQUIN			
Cheshire Compressor Station	New Compressor Station	0.1 [1]	Cheshire
Launcher Relocation	Relocate Launchers	0.6 [1]	Cheshire
ISLANDER EAST			
Islander East/North Haven Meter Station	New Meter Station	0.0 [2]	North Haven
Mainline Valve	New Valve	6.0 [2]	North Branford
Mainline Valve	New Valve	9.9 [2]	Branford

[1] Algonquin C-1 and C-1 L pipelines milepost.
[2] Islander East Pipeline milepost.

7a. Existing Municipal Zoning Classifications

TABLE 4

Islander East Pipeline Project
Connecticut Zoning Districts

Approximate Milepost Range	Jurisdiction	Zone	Description
0.0-2.3	North Haven	R-40	Residential
2.3-2.5	East Haven	R-5	Residential
2.5-2.8	East Haven	R-3	Residential
2.8-3.1	East Haven	R-5	Residential
3.1-5.8	North Branford	R-40	Residential
5.8-5.9	North Branford	R-80	Residential
5.9-6.1	North Branford	I-2	Industrial
6.1-6.3	North Branford	I-3	Industrial
6.3-6.5	North Branford	R-40	Residential
6.5-7.1	North Branford	I-2	Industrial
7.1-7.8	Branford	I-G-2	Industrial
7.8-8.1	Branford	Special Development Area	
8.1-8.9	Branford	R-4	Residential
8.9-9.2	Branford	R-5	Residential
9.2-9.9	Pine Orchard	AA-1	Conservation Land
9.9-10.2	Pine Orchard	A-2	Residential

8. Names of Waterbodies and Wetlands at the Site of Proposed Work

TABLE 5

Islander East Pipeline Project
Waterbodies Crossed by the Proposed Project

Milepost	Watercourse (Associated Wetland)	Flow[a]	Approximate Width (feet)	Surface Water Quality Classification[b]	Fishery Classification[c]	Proposed Crossing Method
ALGONQUIN FACILITIES						
No waterbodies will be disturbed by construction of the Algonquin Facilities.						
ISLANDER EAST FACILITIES						
0.5	Tributary to Muddy River (A3)	I	<10	Not Classified	Not Classified	Located within extra workspace[d]
0.6	Muddy River (A43)	P	30	B/A	CWF	Flume or dam and pump
1.8	Five Mile Brook (A8)	P	<10	A	CWF	Flume or dam and pump
3.3	Farm River (A45)	P	15	A	CWF/ANA	Flume or dam and pump
4.1	Burrs Brook (A9)	P	10	A	CWF	Flume or dam and pump
4.6	Burrs Brook	P	10	A	CWF	Flume or dam and pump
4.8	Burrs Brook (A11)	P	10	A	CWF	Flume or dam and pump
5.5	Unnamed Stream (A15)	P	<10	Not Classified	Not Classified	Flume or dam and pump
5.7	Unnamed Stream (A16)	I	<10	Not Classified	Not Classified	Located within extra workspace[d]
6.5	Unnamed Stream (A25)	I	<10	Not Classified	Not Classified	Located within extra workspace[d]
6.8	Unnamed Stream (A26)		<10	Not Classified	Not Classified	Flume or dam and pump
6.8	Unnamed Stream (A26)	I	<10	Not Classified	Not Classified	Flume or dam and pump
7.2	Unnamed Stream (A27)	I	<10	Not Classified	Not Classified	Flume or dam and pump
7.7	Branford River (A30)	P	20	B/A	CWF	Flume or dam and pump
8.8	Stony Creek (A32)	P	<10	A	CWF/ANA	Flume or dam and pump
8.9	Stony Creek (A24)	P	<10	A	CWF/ANA	Flume or dam and pump

[a] P = Perennial
I = Intermittent

[b] Class A = Known or presumed to meet water quality criteria that support potential drinking water supply; fish and wildlife habitat; recreational use; agricultural and industrial supply and other legitimate uses including navigation.
Class B/A = May not meet water quality criteria or one or more designated uses. The water quality goal is achievement of Class A criteria and attainment of Class A designated uses.
Class C = waters that are suitable for secondary contact recreation

[c] CWA = Coldwater Fishery
ANA = Anadromous Fishery
WWF = Warmwater Fishery

[d] These watercourses will not be crossed by the proposed pipeline. However, they are located within the construction right-of-way or temporary extra workspace.

TABLE 6

Islander East Pipeline Project
Wetlands Crossed by the Proposed Project

Approximate Milepost[a]	Wetland ID No.	Cowardin Classification	Crossing Length (ft)[b]	Acreage Affected During Construction[c]	Acreage Affected During Operation[d]
ALGONQUIN FACILITIES - ANOMALY IDENTIFICATION					
3.7-3.8	CT-A42[e]	PEM/PFO1	380	0.65	0.26
3.8	CT-A57	PFO/SS	690	0.79	0.16
8.9	CT-A41[f]	PEM1E	310	0.35	0
10.6	CT-A56	PFO/PEM	1000	1.14	0.68
ISLANDER EAST FACILITIES					
0.0	CT-A1	PEM/PSS1	0	0.28	0
0.0	CT-A2	PUBHx/PEM/PFO1	132	0.33	0.09
0.4	CT-A3	PSS1/PEM	42	0.28	<.01
0.6	CT-A43	PEM/PFO1	68	0.15	0.04
1.0	CT-A4	PUBHx/PSS1	0	<.01	0
1.1	CT-A5	PEM/PFO1E	100	0.32	0.06
1.1	CT-NH1	PFO/PEM	0	0.01	0
1.2	CT-A50	PEM/PFO1E	126	0.23	0.08
1.3	CT-A6	PEM/PFO1E	353	0.51	0.243
1.3	CT-A6 Extension	PFO/PEM	97	0.15	0.07
1.5	CT-A12	PUBH/PEM/PFO1	47	0.41	0.03
1.5	CT-A12 Extension	PFO/PEM	150	0.23	0.10
1.6	CT-A7	PEM/PSS1	5	0.04	<.01
1.8	CT-A8	PEM/PFO1/PSS1	36	0.08	0.02
2.1	CT-A46	PEM/PFO1	612	0.99	0.42
2.7	CT-A47	PEM/PSS1	0	0.04	0
2.7	CT-A48	PEM	21	0.09	0
3.1-3.2	CT-A49	PEM1C	728	1.065	0
4.1	CT-A9	PEM/PFO1E	248	0.41	0.17
4.2	CT-A10	PEM/PFO1	174	0.40	0.11
4.3	CT A-54	PEM	132	0.10	0
4.4	CT-A58	PFO/PEM	35	0.06	0.24
4.5	CT-A59	PFO/PEM	450	0.77	0.31
4.8-5.1	CT-A11	PEM/PFO1E	1044	1.71	0.71
5.1	CT-A13	PEM/PFO1E	142	0.24	0.09
5.2	CT-A51	PEM/PFO1E	68	0.12	0.04
5.4	CT-A14	PEM/PFO1	0	0.04	<.01
5.5	CT-A15	PEM/PFO1	359	0.51	0.24
5.5	CT-A55 (CT-A15 Extension)	PFO	0	0	0
5.7	CT-A16	N/A	0	0.01	0.01
5.8-5.9	CT-A17	PEM/PFO1E	818	1.32	0.56
6.4	CT-A18/19	PEM/PFOIE	210	0.46	0.14
6.6	CT-A25	PFO1	295	0.36	0.20
6.7-6.9	CT-A26	PFO1	662	1.16	0.45
7.1-7.2	CT-A27	PFO1E	543	0.57	0.37
7.4	CT-A28	PEM	0	0.13	0

TABLE 6

Islander East Pipeline Project
Wetlands Crossed by the Proposed Project

Approximate Milepost[a]	Wetland ID No.	Cowardin Classification	Crossing Length (ft)[b]	Acreage Affected During Construction[c]	Acreage Affected During Operation[d]
7.5	CT-A29	PFO1	0	0.04	0
7.5-7.7	CT-A30	PFO1E/PFO1A/PEM/PSS 1	591	1.1	0.40
7.8-8.0	CT-A31	PFO1	68	0.14	0.04
8.1	CT-A23	PUBHh/PFO1	237	0.21	0.16
8.2-8.4	CT-A33	PFO1E/PSS1	110	0.67	0.07
8.7-8.9	CT-A32	PFO1E	1,092	1.38	0.75
8.9	CT-A24	PFO1/PSS1/PEM	163	0.29	0.11
9.0-9.4	CT-A34	PFO1E	601	0.98	0.41
9.4	CT-A35	PEM/PFO	121	0.14	0.08
9.5	CT-A36	PFO1	242	0.43	0.16
9.6	CT-A37	PEM1R	384	0.77	0
9.7	CT-A21	POW/PFO	221	0.27	0.15

[a] Four tracts remain to be surveyed: NHV-021, NHV-033.1, NHV-034, and NHV-137.
[b] A crossing length of "0" indicates a wetland that occurs within the construction work area but is not crossed by the pipe centerline.
[c] Acreage includes temperorary workspaces.
[d] Acreage based on GIS polygons within the construction work area and permanent right-of-way. The acreages reflect a maintained permanent right-of-way width of 30 feet centered over the pipeline in forested wetlands and 10 feet centered over the pipeline in scrub-shrub wetlands. Emergent wetlands will not be affected during operations.
[e] Located in extra workspace for Algonquin inspection and repair.
[f] Proposed hydrostatic test water location.

Part IV – Project Information

3. Purpose, Need and Intended Use

The purpose of the Islander East Pipeline Project is to initially provide 285,000 dekatherms per day of natural gas to energy markets in Connecticut, Long Island, and New York City. The project will provide new, cost-effective supplies of fuel to ensure greater energy reliability, flexibility, and security to the public. In its review, the FERC determined it was in the public convenience and necessity to construct the project, and on September 19, 2002 the FERC issued an Order on Rehearing and Issuing Certificates for the Islander East Pipeline Project. On January 17, 2003 FERC issued its Order on Rehearing in Docket No. CP01-384 *et al.* FERC reaffirmed the September Order and its determination of need based on system reliability, security, and competition benefits. Copies of the Final Order and the Order on Rehearing are included in Appendix B of this application.

5. Identify and evaluate the potential adverse environmental impacts that may result from the proposed work on the following:

Potential adverse impacts and mitigation measures are discussed below. In addition, Islander East has developed mitigation measures to minimize environmental impacts that are provided in its ESC Plan.

Islander East has consulted with the Connecticut Department of Environmental Protection and the U.S. Fish and Wildlife Service. It has been determined that the proposed project will have no adverse impacts on state or federally-listed threatened or endangered species.

a. Finfish

Construction related impacts associated with pipeline installation in Long Island Sound include physical disturbance of bottom habitats from anchor and cable arrays, trench excavation, and pipe installation. These activities will temporarily increase water column turbidity in the vicinity of the pipe; incidental dispersion of excavated sediments; and local reduction in dissolved oxygen concentrations. Refueling of offshore construction barges and support vessels and onboard storage of fuel, oil, or other hazardous materials could also create a potential source of water contamination.

Islander East estimates that the width of the primary area of disturbance in Long Island Sound will be approximately 80 feet in most areas. Islander East proposes to use a combination of dredging and post-lay subsea plowing to trench. The *Marine Pipeline Installation Methodology* contains a detailed discussion of each offshore construction method.

Islander East conducted sedimentation transportation modeling to determine the secondary area of disturbance in Long Island Sound. Islander East will place the spoil from the HDD exit hole and the trench on barges instead of sidecasting the spoil onto the seafloor, which will decrease sedimentation impacts. Results of the sedimentation transport modeling are presented in a report entitled, *Results of SSFATE Model Simulations, Nearshore Connecticut, Long Island Sound,* which is included in Attachment F of this application.

Most finfish in the construction area are expected to attempt to avoid or escape unfavorable water quality and habitat conditions. It is unlikely that localized temporary increases in turbidity or degraded water quality will cause or substantially increase mortality of fish in the project construction area.

Acute and chronic toxic effects on aquatic organisms could result from a fuel spill. Islander East has developed a *Spill Prevention Control and Countermeasure Plan* ("SPCC Plan") to avoid or minimize the effects of fuel and other chemical spills on aquatic resources. The SPCC Plan is located within the ESC Plan.

b. Benthic Habitat

Construction related impacts associated with pipeline installation in Long Island Sound include physical disturbance of bottom habitats from anchor and cable arrays, trench excavation, and pipe installation. These activities will temporarily increase water column turbidity in the vicinity of the pipe; incidental dispersion of excavated sediments; and local reduction in dissolved oxygen concentrations. Refueling of offshore construction barges and support vessels and onboard storage of fuel, oil, or other hazardous materials could also create a potential source of water contamination.

Impacts on demersal and benthic organisms that have the ability to move away from construction areas and turbidity plumes, are expected to be short-term and minor. Since these species are expected to avoid construction areas, direct mortality due to construction equipment is not

expected. Trench excavation and associated sediment movements could result in localized mortalities in invertebrate assemblages. Islander East has completed additional research on impacts to benthic habit, and the report is included in Attachment F of this application.

c. Shellfish

The construction impacts mentioned above will also impact shellfish in a similar manner. Shellfish, for the most part, are incapable of moving quickly away from construction activities. Small, slow-moving and sessile invertebrates along the route (*e.g.*, mollusks, polychaetes, crustaceans, and echinoderms) could be susceptible to physical damage and/or suffocation during construction.

Most lobsters are expected to move away from slow-moving trenching equipment and areas of increased sedimentation. A small number of lobsters may suffer mortality from anchor placement while EBP lobsters in gravel patches could be harmed by cable sweep. However, project activities are not likely to significantly affect the population of lobsters in Long Island Sound. Once the pipeline is in place and backfilled, lobsters will likely recolonize in the construction right-of-way.

Islander East has reached agreements with shellfishermen whose lease shellfish beds would be crossed by the proposed project. Mitigation measures which Islander East intends to implement include:

- constructing the offshore pipeline during winter months;
- notifying the shellfishermen of the exact location of the proposed pipeline prior to construction using Loran coordinates;
- coordinating and communicating with the shellfishermen on the timing of construction; and
- reseeding commercially cultivated shellfish leasebeds.

d. Aquatic Resources

Islander East is currently appealing the Connecticut Department of Environmental Protection objection to its *Coastal Zone Management Consistency Determination.*

Islander East has completed extensive offshore surveys, which are included in Attachment F of this application and Attachment F of the coastal permit application dated July 11, 2002.

e. Wildlife Resources and Habitat

Construction of the project could affect wildlife in a number of ways. However, the impact of the project on wildlife is expected to be minor and occur primarily during construction. The clearing and removal of vegetation would reduce cover and forage habitat for wildlife. Construction activities and noise would also drive some wildlife away from the construction area and could inhibit the movement of wildlife across the right-of-way during construction hours. Depending on the season, construction could also disrupt the courting or nesting of birds and breeding of other wildlife on or adjacent to the right-of-way. Equipment operating on the right-of-way may also inadvertently impact less mobile species.

Construction would result in a short-term loss of habitat but would only incrementally increase habitat fragmentation for wildlife species on a regional level. Most of the route will be

constructed in or adjacent to various existing rights-of-way. Additionally, because the habitats affected by construction are abundant in the areas adjacent to the right-of-way, wildlife displaced during construction will find ample habitat elsewhere. Disruption of wildlife movement is expected to be minor since the amount of trench open at any one time would be limited, no permanent barriers to wildlife would be erected, and existing surface contours would be restored to near pre-construction condition.

Wildlife occupying the habitats associated with Long Island Sound (*e.g.*, open water, coastal areas) may be temporarily disturbed during construction, but no permanent impacts, including wildlife mortality, are expected. Offshore birds and marine mammals are expected to avoid the area during construction activities. Substrate disturbance may temporarily reduce prey availability near the construction corridor. However, following sediment settling, the area should return to pre-construction conditions.

f. Water Quality, Circulation and Drainage

Adverse impacts associated with the Islander East Pipeline Project will be temporary in nature and localized. Because Islander East has adopted numerous mitigation measures, no long-term impacts on water quality, circulation, and drainage are anticipated. Islander East has completed modeling of sediment dispersion from the HDD exit hole and trench section. This report is included in Attachment F of this application.

g. Erosion and Sedimentation and Flooding Patterns

The project will not result in long-term adverse effects on erosion and sedimentation and flooding patterns. Sediments disturbed within Long Island Sound are expected to settle in their original position, or in similar environments immediately adjacent to the trench. On land, construction activities will occur in accordance with the ESC Plan, and all areas will be restored to the extent practical to their original contours.

7. Describe how the proposed project is consistent with the applicable statutory policies, standards, criteria and factors for consideration.

Islander East is currently appealing the Connecticut Department of Environmental Protection's October 15, 2002 objection to its *Coastal Zone Management Consistency Determination.*

The Islander East Pipeline Project as described in this permit application complies with CGS Section 22a-426. Construction and operation of the Islander East Pipeline Project will not result in the point source discharge of nutrients, toxins, heavy metals, or pathogens into surface or groundwaters. In addition, construction and operation of the Islander East Pipeline Project will not permanently alter the temperature, pH, dissolved oxygen levels or the salinity of surface or groundwaters.

Islander East has adopted significant mitigation measures to maintain the chemical, physical, and biological integrity of surface waters. These mitigation measures include, but are not limited to, restoration of wetland and waterbodies, directionally drilling under the nearshore waters of Long Island Sound, reseeding commercially cultivated shellfish leasebeds, and temporarily storing dredged spoil on barges. Islander East's construction techniques and mitigation measures will

provide for the protection and propagation of fish, shellfish, and wildlife and recreation resources.

10. Alternatives

The FERC conducted a comprehensive review of alternatives in the draft and final environmental impact statements prepared for the Islander East Pipeline Project. The FERC's review included the no action alternative and system alternatives that would make construction of all or part of the Islander East Pipeline Project unnecessary, and route alternatives that would follow different alignments to avoid or minimize impact on site-specific resources crossed by Islander East's proposed route.

On September 19, 2002, the FERC issued an Order on Rehearing and Issuing Certificates. In the Order, the FERC required Islander East to adopt 1 route alternative and 4 route variations, in addition to the 14 route variations proposed by Islander East. The FERC rejected the "no action" and all system alternatives because they would not meet the purpose and need of the Islander East Pipeline Project. On January 17, 2003, the FERC reaffirmed its September Order and its decision in response to requests for rehearing based on an alternative route. Copies of the Final Order and the Order on Rehearing are included in Appendix B of this application.

FIGURES

Figures 1 – 6 of the Permit Application involve pipeline location information and are not available at this Internet site due to homeland security-related considerations. This portion of the Islander East consistency appeal administrative record may be reviewed at NOAA's Office of General Counsel for Ocean Services, 1305 East-West Highway, Silver Spring, Maryland.